IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 711 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KUSUMBEN W/O RAOJIBHAI PATEL - Petitioner(s)

Versus

REGIONAL PASSPORT OFFICER & 1 - Respondent(s)

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Appearance :
MR MURALI N DEVNANI for Petitioner(s) : 1,
RULE SERVED BY DS for Respondent(s) : 1,
MR JITENDRA MALKAN for Respondent(s) : 1,
GOVERNMENT PLEADER for Respondent(s) : 2,
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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 10/02/2006

ORAL JUDGMENT

1. The petitioner states that through inadvertence her date of birth is wrongly mentioned in the Passport and the respondent authority has refused to entertain her request to correct the said mistake. According to the petitioner, on the basis of the Birth Certificate issued by the Competent Authority under the Birth and Death Registration Act dtd.9/10/2006 which is issued pursuant to the order passed by the learned Judicial Magistrate (FC), Rajpipala in Misc.Application No.64 of 2005, the correct date of birth is 20/3/1941 instead of 9/2/1944 as mentioned in the passport.

2. The learned counsel for the respondent states that only on the basis of material given by the petitioner the date of birth was recorded

in the passport. He further stated that no change in the passport is effected, but for making any correction in the passport, a new passport is normally issued by the authority with correct details if the authority is satisfied with the genuineness of the data to be corrected.

3.. Having heard the parties and looking to the facts and circumstances and also the material placed on record, the respondent is directed to look into the case of the petitioner on the basis of the evidence already adduced or on production of original certificate/s issued by competent authority which may be adduced by the petitioner in support of her case to correct the date of birth as mentioned above. The respondent shall take appropriate decision in accordance with law after considering the relevant evidence adduced before him and shall pass an appropriate order as expeditiously as possible.

4. As the respondent authority will have to undertake the exercise of scrutinizing the case of the petitioner afresh because of the default committed by the petitioner in not placing correct facts at an earlier point of time, a sum of Rs.5000/-is ordered to be paid by the petitioner to the respondent authority by way of costs.

5. Accordingly, the petition is allowed to the aforesaid extent. Rule is made absolute to the above extent.

Direct Service is permitted.

(M.R.SHAH,J.)

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